

BOARD OF SUPERVISORS

MINUTES

January 25, 2006

Supervisors in Attendance:

Mr. R. M. "Dickie" King, Jr.,
Chairman
Mr. Kelly Miller, Vice Chrm.
Mr. Edward B. Barber
Mrs. Renny Bush Humphrey
Mr. Arthur S. Warren

Mr. Lane B. Ramsey,
County Administrator

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Dr. Billy Cannaday, Jr.,
Supt., School Board
Ms. Marilyn Cole, Asst.
County Administrator
Mr. Roy Covington, Dir.,
Utilities
Capt. Ben Craft, Sheriff's
Office
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Mr. Charles Dane, Airport
Manager
Mr. Jonathan Davis,
Real Estate Assessor
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. James Dunn, Mgr.,
Meadowville Tech. Park
Mr. Robert Eanes, Asst. to
the County Administrator
Ms. Lisa Elko, CMC,
Clerk
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Joseph A. Horbal,
Commissioner of Revenue
Mr. Thomas E. Jacobson,
Dir. of Revitalization
Ms. Kathryn Kitchen, Asst.
Supt. of Schools for
Business and Finance
Mr. Donald Kappel, Dir.,
Public Affairs
Mr. Michael Mabe, Dir.,
Libraries
Chief Paul Mauger,
Fire and EMS Dept.
Mr. R. John McCracken,
Dir., Transportation

Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Dr. William Nelson, Dir.,
Health Department
Mr. Francis Pitaro, Dir.,
General Services
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. Kirk Turner, Dir.,
Planning

Mr. King called the regularly scheduled meeting to order at 3:44 p.m.

1. APPROVAL OF MINUTES FOR JANUARY 11, 2006

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved the minutes of January 11, 2006, as submitted.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

2.A. GREATER RICHMOND PARTNERSHIP REPORT

Mr. Gregory Wingfield, President of the Greater Richmond Partnership, updated the Board on activities of the partnership. He stated the partnership is currently dealing with 342 active prospects, 80 of which are considered "hot" clients. He further stated the partnership is now implementing the second half of its marketing activities, which includes visits to California and the United Kingdom in the next few weeks. He presented the Board with a packet of materials, including an information sheet provided by the partnership at trade shows and in various publications; a summary of action items from the partnership's fall retreat; and a copy of "The Partnership Promise," a report provided by the partnership to local investors. He stated the partnership is continuing to look at the issues raised by Board members concerning the county's funding of the partnership.

In response to Board members' questions, Mr. Wingfield stated, although he cannot predict future growth, the partnership is currently very busy with prospect visits. He further stated the organization has had the same number of employees (10) for the past 12 years.

Mr. Miller requested that Mr. Wingfield provide the Board with the partnership's financial audit information.

Discussion ensued relative to the types of new industries showing interest in the area and to the partnership providing assistance in the marketing of Cloverleaf Mall.

Mr. King expressed appreciation to Mr. Warren for serving as the county's representative on the partnership, and also

thanked Mr. Wingfield for updating the Board on the partnership's activities.

2.B. LEGISLATIVE UPDATE

Ms. Curtin provided an update on General Assembly activities. She stated the county's legislative request regarding transportation service districts was approved in the House today and will be going to the Senate; the request regarding suspension of group home licenses was approved in the Senate and will be going to the House; and the request relating to rollback taxes and property splits is on the Senate floor on the uncontested calendar. She further stated the other county legislative requests regarding group home issues are being addressed in committees.

Discussion ensued relative to the group home exportation issue and various transportation proposals from the Senate, House and Governor.

In response to Mr. Miller's question, Ms. Curtin stated she has not seen any legislative requests regarding the transfer of secondary road responsibilities.

Mrs. Humphrey requested that Ms. Curtin provide her with details relative to legislative requests regarding not-for-profit day care facilities, so that she can respond to questions she has had from various organizations.

Discussion ensued relative to the various group home legislative requests.

In response to Mr. Warren's question, Ms. Curtin stated there are no legislative requests relative to capping cash proffers.

Mr. King thanked Ms. Curtin for keeping the Board updated on General Assembly activities.

3. BOARD COMMITTEE REPORTS

Mrs. Humphrey invited everyone to watch Matoaca athlete James Farrior play in the Super Bowl as a member of the Pittsburgh Steelers team.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board added Item 8.B.5.f., Request for Permission from Daniel A. Gecker and Elizabeth A. Gibbs for Permission for a Proposed Pool House, Pond and Retaining Wall to Encroach Within a Ten-Foot Easement Across Lot 21, Block F, Crestwood Farms, Section B; added Item 8.B.14., Lease of Property for the Meadowville Technology Park Development Manager with Ukrop's Supermarkets, Incorporated; added Item 8.B.15., Award of Contract for Low-Power AM Radio Systems Provision and Installation to Northrop Grumman and Information Station Specialists; added Item 8.B.16.a., Transfer of District Improvement Funds from the Bermuda District Improvement Fund

to the School Board to Purchase Band Uniforms for Thomas Dale High School; added Item 8.B.16.b., Transfer of District Improvement Funds from the Dale District Improvement Fund to the Parks and Recreation Department to Purchase a Storage Shed for Athletic Equipment at the Henning Elementary School Sports Complex; replaced Item 10.B., Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; and adopted the agenda, as amended.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

There were no resolutions or special recognitions at this time.

6. WORK SESSIONS

O PROPOSED FY2007 - 2012 CAPITAL IMPROVEMENT PROGRAM

Mr. Jay Payne, Budget Manager, provided a 2004 bond referendum update, reviewing the projects financed with the first series of bonds sold in February 2005 and those to be financed with the second series of bonds to be sold in February 2006. He then presented an overview of the proposed FY2007-2012 Capital Improvement Program. He reviewed a comparison of debt ratio and debt service expenditures and the composition of the proposed CIP. He reviewed proposed CIP county only revenue and expenditure summaries.

In response to Mr. Miller's question, Mr. Payne stated debt service expenditures represented approximately 7 percent of the FY2005 total general fund budget. He then highlighted various project allocations designated in the FY2007-2012 CIP. He noted there are no new Parks and Recreation projects in the CIP.

Mr. King noted that both the Lowe's Soccer Complex and the Chester Community Arts Center are moving forward.

Mrs. Humphrey requested that Mr. Golden provide her with a report of funding in the current budget for expansion of Matoaca Park.

Discussion ensued relative to a legislative proposal currently before the General Assembly that would restrict the hours of play at sports facilities located within 65 yards of a residential community.

Ms. Curtin stated, because of the tremendous amount of opposition to the restricted hours, she anticipates the patron to withdraw the legislative request. She further stated she will keep the Board advised regarding the status of the bill.

Mr. Payne provided details of project allocations designated for public safety, regional projects and technology improvements.

Mr. Ramsey noted that the state provides funding for buildings for the Community College System, and localities are responsible for funding parking and infrastructure. He stated John Tyler Community College has a major building in the governor's budget, and the county has been requested to provide funding for parking and other infrastructure.

Mr. Payne provided details of transportation project allocations.

Mr. Warren expressed concerns relative to the need to expand Powhite Parkway and inquired whether it would be possible to have a bond referendum sooner than planned since the debt ratio is not as significant as it has been in the past.

Mr. Ramsey stated it is always possible to have a referendum earlier than planned, but the county must have the resources to pay the additional debt. He further stated, although there is no specific timeframe for holding a referendum, the county has typically done so every 6 or 7 years. He noted a special referendum was held in the late 1980's to fund the Route 288 and Powhite Parkway projects.

Mr. King thanked Mr. Payne for the informative presentation.

7. DEFERRED ITEMS

There were no deferred items as this time.

8. NEW BUSINESS

8.A. APPOINTMENTS

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board suspended its rules at this time to allow for simultaneous nomination/reappointment of members to serve on the Disability Services Board.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

O DISABILITY SERVICES BOARD

On motion of Mr. Miller, seconded by Mr. Barber, the Board simultaneously nominated/reappointed Mr. William Eckard and Ms. Margaret Fields, representing the Midlothian District; Ms. Melanie Green, representing the Dale District; Rev. Charles Jackson, Mr. Joseph Seay, Ms. Johnna Throckmorton and Ms. Ellen Trimble, representing the county at-large; Ms. Linda VanAken, representing the Bermuda District, and Ms. Joyce Sanders, representing the Clover Hill District, to serve on the Disability Services Board, whose terms expire December 31, 2008.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B. CONSENT ITEMS

On motion of Mr. Miller, seconded by Mr. Barber, the Board removed the following items from the Consent Agenda for public comment: Item 8.B.8., Request to Aid in the Acquisition of Offsite Easements for Kalyan Plaza; Item 8.B.10., Approval of Partial Quiet Zone in the Vicinity of the Bermuda Orchard Lane/CSX Railroad Crossing; Item 8.B.15., Award of Contract for Low-Power AM Radio Systems Provision and Installation to Northrop Grumman and Information Station Specialists; Item 8.B.16.a., Transfer of District Improvement Funds from the Bermuda District Improvement Fund to the School Board to Purchase Band Uniforms for Thomas Dale High School; and Item 8.B.16.b., Transfer of District Improvement Funds from the Dale District Improvement Fund to the Parks and Recreation Department to Purchase a Storage Shed for Athletic Equipment at the Hening Elementary School Sports Complex.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.1. AWARD THE TREATABILITY STUDY FOR THE ADDISON/EVANS WATER TREATMENT PLANT TO BLACK AND VEATCH CORPORATION

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board awarded a contract to Black and Veatch Corporation in the amount of \$186,828 to perform a treatability study for the Addison/Evans Water Treatment Plant.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.2. ADOPTION OF RESOLUTIONS

8.B.2.a. RECOGNIZING MR. GARY A. HARTLE, UTILITIES DEPARTMENT, UPON HIS RETIREMENT

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, Mr. Gary A. Hartle will retire from Chesterfield County's Utilities Department on February 1, 2006; and

WHEREAS, Mr. Hartle began his public service with Chesterfield County on February 13, 1989, as a Senior Engineering Assistant for the Utilities Department; and

WHEREAS, after working for the City of Colonial Heights for ten years, in 1989 Mr. Hartle brought his extensive knowledge and skills to Chesterfield County working as Senior Engineering Assistant; and

WHEREAS, from 1989 to 1991, Mr. Hartle became proficient in the zoning and subdivision standards/ordinances and applied this talent to evaluate the availability of water and wastewater service to properties under consideration for development; and

WHEREAS, as Senior Engineering Assistant, Mr. Hartle became very familiar with the use of water and wastewater models; and

WHEREAS, in 1991, he was promoted to an Engineer and then to Senior Engineer in 2003; and

WHEREAS, in 1995, Mr. Hartle became a member of the department's Product Design and Review Committee and served faithfully until his retirement dedicating his time and knowledge to the committee's primary objective of reviewing and evaluating new products and design/ construction standards for water and wastewater systems; and

WHEREAS, Mr. Hartle represented the Utilities Department on all site plan projects as a team member of the Site Plan Team; and

WHEREAS, in recognition of his unique aptitude, attitude, and attention to detail, and his desire to perform well, Mr. Hartle received successive promotions within the Utilities Department and letters from customers for teamwork and customer service; and

WHEREAS, throughout his career, Mr. Hartle has maintained a personal objective to ensure that the Utilities Department and the citizens were well served.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Mr. Gary A. Hartle and extends on behalf of its members and the citizens of Chesterfield County, appreciation for his more than 16 years of exceptional service to the county.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.2.b. REQUIRING LOCALITIES TO PREPARE WATER SUPPLY PLANS THAT IDENTIFY FUTURE WATER RESOURCE NEEDS AS MANDATED BY THE STATE OF VIRGINIA

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, the Commonwealth of Virginia has mandated that all localities in the state prepare a Water Plan that addresses present and future drinking water needs; and

WHEREAS, the plan may be accomplished by each locality or several localities may join together to prepare a regional plan that shows each locality's needs; and

WHEREAS, the Board of Directors of the Appomattox River Water Authority has concluded that a Regional approach would be best and would allow for the use of several recent Authority studies that determined member's future needs; and

WHEREAS, the Department of Environmental Quality (DEQ) may have grant funds available for Regional plans; and

WHEREAS, the Board of Directors of the Appomattox River Water Authority has authorized its Executive Director to

apply for grant funds from the DEQ, expected to become available in June, 2006; and

WHEREAS, the Appomattox River Water Authority will act as the coordinating agency for a Regional Plan and the individual plans for its member localities, which are the City of Colonial Heights, the City of Petersburg, Chesterfield County, Dinwiddie County and Prince George County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Chesterfield County agrees that the Appomattox River Water Authority will act on behalf of the County in preparation of the water plan.

AND, BE IT FURTHER RESOLVED that the Appomattox River Water Authority may enter into and administer the grant with DEQ on behalf of the County.

AND, BE IT FURTHER RESOLVED that the County agrees to provide its share of the matching funds for the grant and any additional funding to pay the share of the County's cost of the water plans up to \$160,000.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.2.c. RECOGNIZING THE HONORABLE EDWARD B. BARBER AS 2005 CHAIRMAN OF THE BOARD OF SUPERVISORS

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, the Honorable Edward B. Barber, Supervisor representing the Midlothian District, served as Chairman of the Board of Supervisors from January 2005 to December 2005, and during this period, demonstrated outstanding leadership through many challenges and opportunities confronting the county, including initiating proactive zoning of a major portion of the 288 corridor around the 288/Route 60 interchange in order to accelerate commercial and industrial growth in that part of the county; the successful defense of the invocation policy which is now the leading case in the country defining how invocations are given before legislative bodies; being instrumental in facilitating decisions to accommodate development of a continuing care community at Lucy Corr Village; guiding various amendments to the county's Comprehensive Plan to include The Chester Village Plan, the Public Facilities Plan and Affordable Housing elements, which will shape the growth and development of the county; providing leadership in the selection and approval of two new schools to address overcrowding issues; supporting zoning ordinance amendments which include flexible setbacks for industrial districts, which will encourage economic development; constructing the Chester Psychiatric Rehabilitation Center, which was a conjunctive effort between the Community Development Block Grant office and Chesterfield Alternatives; and hosting "Chesterfield Matters," a monthly public information program for Chesterfield County residents; and

WHEREAS, Mr. Barber demonstrated strong interest and support for community development, particularly economic development and all the county's other divisions throughout his tenure as chairman; and skillfully led the county through many diverse and sensitive issues; and was responsive to the needs of citizens; and

WHEREAS, successes under Mr. Barber's Chairmanship include economic development projects such as approving the Industrial Development Authority's (now called the Economic Development Authority) purchase of the remaining optioned property in Meadowville Technology Park, giving the County full control of this land and the ability to fund additional infrastructure improvements; taking an active role in the Urban Land Institute's weeklong evaluation of Meadowville, leading to the Board's support for creating the Development Manager position for the Park; achieving nearly \$250 million in new investment and 2,950 new jobs during the past year, as well as the announcement of the County's largest single investment to locate in the Meadowville Technology Park by Northrop Grumman, a highly successful and respected technology corporation; approving the lowering of business license tax rates to improve Chesterfield's competitive position in attracting financial and professional services companies; expanding and enhancing the County's small and minority business program; and supporting various transportation improvements including the 360 Project from Mockingbird Lane to Spring Run Road, the Woodmont Drive reconstruction, the Chester Road/Kingsdale Road Turn Lanes and Signalization Project, the Hickory Road Safety Project, and the Dundas Road/Strathmore Road Turn Lane Project; and

WHEREAS, other successes under Mr. Barber's Chairmanship include the county maintaining its AAA rating from each of the three major bond-rating agencies; receiving 15 NACo Achievement Awards and Public Affairs receiving 22 communication awards from NACIO; development of a comprehensive Environmental Management System for the Proctors Creek Wastewater Treatment Plan and recognition by the Virginia Department of Environmental Quality for achieving the requirements of an Exemplary Environmental Enterprise (ES), making Proctors Creek the first wastewater facility in the state to achieve this certification; as well as the county's Fleet Management Division receiving the International Organization of Standards (ISO) 14001 certification, which recognizes Chesterfield as only the second county in North America to receive this certification; implementing an outreach program that places a Social Services employee in key Hispanic communities, which provides education and services to our diverse citizenry; initiating an anti-litter program, which to date shows the program has increased neighborhood cleanup projects by 50 percent; continuing the In Focus project, which will provide an integrated technology solution for all financial, human resources and payroll records; and deploying county staff from the Fire and Emergency Services, Police and the Real Estate Assessor's Departments to assist Hurricane Katrina victims.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 25th day of January 2006, recognizes and applauds the untiring efforts displayed by its 2005 Chairman, the Honorable Edward B. Barber.

AND, BE IT FURTHER RESOLVED that the Board of Supervisors hereby acknowledges Mr. Barber's efforts with a plaque recognizing his distinguished service from January 2005 to December 2005.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.2.d. SUPPORTING THE MARTIN LUTHER KING NATIONAL MEMORIAL FOUNDATION FUND RAISING CAMPAIGN

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, Dr. Martin Luther King, Jr. was a man whose impact on the Civil Rights movement in the United States has ensconced him in the history of our nation, and the world, as a figure of eternal importance; and

WHEREAS, the Dr. Martin Luther King, Jr. National Memorial Foundation was established to raise funds to erect a national monument to Dr. King on the Tidal Basin in Washington, D.C. adjacent to those erected to honor other noteworthy national leaders; and

WHEREAS, this important project recognizes the work and sacrifices made by Dr. King, which directly helped many in our community to enjoy hitherto unprecedented educational, career and financial success and to make significant progress toward racial equality; and

WHEREAS, this monument will feature a fitting tribute to the first African-American so honored at this hallowed national landmark; and

WHEREAS, Dr. King's legacy creates a compelling social contract that society will vigorously and continuously pursue racial equality and human rights for all its citizens, and that his dream for equality will be a beacon of light guiding future generations on the path of human dignity and respect; and

WHEREAS, Dr. King made several trips to our region, inspiring many in the Tri-Cities area to commit themselves to the Civil Rights movement to end segregation and injustice here and across our nation; and

WHEREAS, Southside Virginia was home to three of Martin Luther King, Jr.'s closest aides - Rev. Dr. Wyatt Tee Walker, Rev. Curtis Harris and Mr. Herbert Coulton - a fact of which all in the region may be justifiably proud; and

WHEREAS, the Beta Gamma, Nu Lambda, Nu Omicron Lambda and Rho Iota Lambda chapters of Alpha Phi Alpha fraternity have been designated to coordinate the fund raising effort in Southside Virginia, seeking support from all sectors of the community.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 25th day of January 2006, hereby designates the period January 14, 2006 through May 6,

2006 as the Dr. Martin Luther King, Jr. National Memorial Foundation Fund Raising Period in Chesterfield County, and encourages all Chesterfield County residents to recognize and support the effort to raise funds to erect a national monument to Dr. Martin Luther King, Jr. in Washington, D.C.

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.B.3. APPROVAL OF UTILITY CONTRACT FOR MEADOWVILLE LANDING AT RIVERS BEND, SECTION 1

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved the following utility contract for Meadowville Landing at Rivers Bend, Section 1, Contract Number 05-0224, which includes the extension of 3,815 L.F.+ of 16-inch oversized water lines:

Developer: Rivers Bend East, LLC

Contractor: Castle Equipment Corporation

Contract Amount:

Estimated County Cost for Oversizing.	\$62,950.00
Estimated Developer Cost.\$1,036,280.39
Estimated Total\$1,099,230.39

Code: (Refunds thru Connections - Oversizing) 5B-572VO-E4C

District: Bermuda

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.B.4. REQUESTS TO QUITCLAIM

8.B.4.a. A PORTION OF A VARIABLE WIDTH STORM WATER MANAGEMENT SYSTEM/BEST MANAGEMENT PRACTICE (BMP) EASEMENT ACROSS THE PROPERTY OF THE PHOENIX, L.P.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a variable width SWM/BMP easement across the property of The Phoenix, L.P. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.B.4.b. PORTIONS OF EIGHT-FOOT SEWER EASEMENTS, A SIXTEEN-FOOT SEWER EASEMENT, AND TEN-FOOT TEMPORARY CONSTRUCTION EASEMENTS ACROSS THE PROPERTY OF BON SECOURS-SAINT FRANCIS MEDICAL CENTER, INCORPORATED

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the

County Administrator to execute a quitclaim deed to vacate portions of 8-foot sewer easements, a 16-foot sewer easement and 10-foot temporary construction easements across the property of Bon Secours-Saint Francis Medical Center, Incorporated. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.B.5. REQUESTS FOR PERMISSION

8.B.5.a. FROM JUSTIN P. AND LE ANNE M. BONSER FOR A PROPOSED FENCE TO ENCROACH WITHIN AN EIGHT-FOOT EASEMENT ACROSS LOT 10, HARTLEY VILLAGE AT CHARTER COLONY

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Justin P. Bonser and Le Anne M. Bonser for permission for a proposed fence to encroach within an 8-foot easement across Lot 10, Hartley Village at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.B.5.b. FROM RORY A. BOYLE AND MONIKA VALIRAMANI FOR A PROPOSED FENCE TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT AND AN EIGHT-FOOT EASEMENT ACROSS LOT 65, LELAND VILLAGE AT CHARTER COLONY, SECTION A

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Rory A. Boyle and Monika Valiramani for permission for a fence to encroach within a 16-foot drainage easement and an 8-foot easement across Lot 65, Leland Village at Charter Colony, Section A, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.B.5.c. FROM ROBERT F. AND ROSA E. RANDAZZO FOR A PROPOSED FENCE TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 21, MALLORY VILLAGE SECTION A AT CHARTER COLONY

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Robert F. Randazzo and Rosa E. Randazzo for permission for a proposed fence to encroach within a 16-foot drainage easement across Lot 21, Mallory Village Section A at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.B.5.d. FROM ROBERT A. AND KRISTIN L. KEMENY FOR A PROPOSED DRAINFIELD TO ENCROACH WITHIN A SIXTEEN-FOOT SEWER EASEMENT AND A TEN-FOOT CONSTRUCTION EASEMENT ACROSS LOT 87, BLOCK A, REED'S LANDING ABERDEEN PHASE III

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Robert A. Kemeny and Kristin L. Kemeny for permission for a proposed drainfield to encroach within a 16-foot sewer easement and a 10-foot construction easement across Lot 87, Block A, Reed's Landing Aberdeen Phase III, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.B.5.e. FROM WACHOVIA BANK, TRUSTEE FOR FARMVILLE ORTHOPEDIC CLINIC, P.C. TO INSTALL A PRIVATE WATER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY AT 15411 GENITO ROAD

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Wachovia Bank, Trustee for Farmville Orthopedic Clinic, P.C. for permission to install a private water service within a private easement to serve property at 15411 Genito Road, and authorized the County Administrator to execute the water connection agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.B.5.f. FROM DANIEL A. GECKER AND ELIZABETH A. GIBBS FOR A PROPOSED POOL HOUSE, POND AND RETAINING WALL TO ENCROACH WITHIN A TEN-FOOT EASEMENT ACROSS LOT 21, BLOCK F, CRESTWOOD FARMS, SECTION B

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Daniel A. Gecker and Elizabeth A. Gibbs for a proposed pool house, pond and retaining wall to encroach within a 10-foot easement across Lot 21, Block F, Crestwood Farms, Section B, subject to the execution of a license agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.B.6. ACCEPTANCE OF PARCELS OF LAND

8.B.6.a. ALONG THE WEST RIGHT OF WAY LINE OF CHESTER ROAD FROM LAND 9900 LLC

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board accepted the conveyance of a parcel of land along the west right of way line of Chester Road containing 0.033 acres from

Land 9900 LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

**8.B.6.b. ALONG THE WEST RIGHT OF WAY LINE OF CHESTER ROAD
FROM R AND L ENTERPRISES, LLC**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board accepted the conveyance of a parcel of land containing 0.077 acres along the west right of way line of Chester Road from R and L Enterprises, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.B.6.c. ALONG WEST HUNDRED ROAD FROM THE PHOENIX, L.P.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board accepted the conveyance of a parcel of land containing 0.020 acres along West Hundred Road from The Phoenix, L.P., and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.B.7. SET DATES FOR PUBLIC HEARINGS

**8.B.7.a. TO CONSIDER ESTABLISHING A TAX EXEMPTION
CLASSIFICATION PERTAINING TO VOLUNTEER RESCUE
SQUADS AND FIRE COMPANIES**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board set the date of February 8, 2006 at 7:00 p.m. for the Board to consider a tax exemption ordinance pertaining to volunteer rescue squads and fire companies in the county.

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

**8.B.7.b. TO CONSIDER CONVEYANCE OF A 2.7 ACRE PARCEL
LOCATED AT 7720 VIRGINIA PINE COURT TO DEMPSEY
BRADLEY**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board set the date of February 8, 2006 at 7:00 p.m. for the Board to consider the conveyance of a 2.7 acre parcel located at 7720 Virginia Pine Court to Dempsey Bradley.

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.B.9. TRANSFER OF CASH PROFFER BALANCES FROM THE OLD BUCKINGHAM ROAD PROJECT AND APPROPRIATION OF ROAD CASH PROFFER FUNDS TO THE REAMS ROAD TURN LANE PROJECT

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board transferred \$480,000 of traffic shed 3 funds from the Old Buckingham Road project to the Reams Road turn lane project; reduced cash proffer appropriation to the Old Buckingham Road project by \$147,000 and returned to traffic shed 2; reduced cash proffer appropriation to the Old Buckingham Road project by \$8,000 and returned to traffic shed 3; and appropriated \$70,000 from traffic shed 4 to the Reams Road turn lane project.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.11. AUTHORIZATION FOR CHESTERWOOD DRIVE SIDEWALK PROJECT

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board transferred \$115,000 in unallocated FY2002 Community Development Block Grant funding to cover the construction of the Chesterwood Drive sidewalk project, and authorized the County Administrator to enter into the necessary county/Virginia Department of Transportation/consultant/contractor, design, right-of-way acquisition, environmental permits and/or construction agreements, acceptable to the County Attorney, and to advertise a construction contract for the project.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.12. CONVEYANCE OF AN EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY FOR UNDERGROUND CABLE TO SERVE THE PUBLIC SAFETY TRAINING CENTER, BURN BUILDINGS AND FUTURE DEVELOPMENT

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Virginia Electric and Power Company for underground cable to serve the Public Safety Training Center, Burn Buildings and future development. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.13. ACCEPTANCE OF STATE GRANT FUNDS, TRANSFER OF FUNDS FROM THE BOARD'S RESERVE FOR FUTURE CAPITAL PROJECTS, APPROVAL OF THE TRANSFER OF PREVIOUS EXCESS APPROPRIATIONS, AND AWARD OF A CONTRACT TO BRANCH HIGHWAYS, INCORPORATED FOR A PROJECT TO CONSTRUCT THE T-HANGAR TAXIWAY CONNECTOR

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the County Administrator to accept \$1,372,306 in state grant funds; approved the transfer of \$350,000 from the

Board's Reserve for Future Capital Projects for the required local match; authorized the transfer of excess appropriations from previous airport capital projects to the T-hangar taxiway connector project; awarded a contract in the amount of \$1,715,383 to Branch Highways, Incorporated to construct the T-hangar taxiway connector; and authorized the County Administrator to execute all documents.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.14. LEASE OF PROPERTY FOR THE MEADOWVILLE TECHNOLOGY PARK DEVELOPMENT MANAGER WITH UKROP'S SUPERMARKETS, INCORPORATED

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a lease with Ukrop's Supermarkets, Incorporated, for 782 square feet of office space at CentreCourt, 9401 Courthouse Road, Suite 109 for the Meadowville Technology Park Development Manager, and authorized the County Administrator to execute the lease agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

The following items were removed from the Consent Agenda for public comment:

8.B.8. REQUEST TO AID IN THE ACQUISITION OF OFFSITE EASEMENTS FOR KALYAN PLAZA

Mr. George Beadles expressed concerns that details such as the number of parcels involved have not been included in the agenda item.

No one else came forward to speak to the issue.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board authorized Right of Way staff to aid in the acquisition of offsite easements to serve the Kalyan Plaza Development, subject to the developer executing a contract agreeing to pay for all costs.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.10. APPROVAL OF PARTIAL QUIET ZONE IN THE VICINITY OF THE BERMUDA ORCHARD LANE/CSX RAILROAD CROSSING

Mr. George Beadles expressed concerns that the agenda item does not provide details regarding the number of trains that come through the crossing between 10 p.m. and 7 a.m.

No one else came forward to speak to the issue.

Mr. King stated he has worked very hard with citizens on quiet zones and is pleased that the railroad has listened to their concerns.

On motion of Mr. King, seconded by Mr. Barber, the Board authorized the County Administrator to file a "Notice of Intent" and, if appropriate, a "Notice of Establishment" to create a partial quiet zone in the vicinity of the Bermuda Orchard Lane/CSX railroad crossing.

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

**8.B.15. AWARD OF CONTRACT FOR LOW-POWER AM RADIO SYSTEMS
PROVISION AND INSTALLATION TO NORTHROP GRUMMAN AND
INFORMATION STATION SPECIALISTS**

Mr. George Beadles expressed concerns that the agenda item does not provide details of the cost of operating the systems and whether it will be shared among the jurisdictions using the systems.

No one else came forward to speak to the issue.

On motion of Mr. Barber, seconded by Mr. Miller, the Board approved the award of a contract, not to exceed \$750,000, for low-power AM radio systems provision and installation to Northrop Grumman and Information Station Specialists.

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.B.16. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

**8.B.16.a. FROM THE BERMUDA DISTRICT IMPROVEMENT FUND TO THE
SCHOOL BOARD TO PURCHASE BAND UNIFORMS FOR THOMAS
DALE HIGH SCHOOL**

Mr. George Beadles stated he thinks the School Board should be able to fund their needs without using District Improvement Funds.

No one else came forward to speak to the issue.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board transferred \$3,000 from the Bermuda District Improvement Fund to the School Board to purchase band uniforms for Thomas Dale High School.

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

**8.B.16.b. FROM THE DALE DISTRICT IMPROVEMENT FUND TO THE
PARKS AND RECREATION DEPARTMENT TO PURCHASE A
STORAGE SHED FOR ATHLETIC EQUIPMENT AT THE HENING
ELEMENTARY SCHOOL SPORTS COMPLEX**

Mr. George Beadles clarified that the requested funding is for building supplies rather than purchasing a storage shed, and the Hening Athletic Association will furnish the labor to build the storage shed.

No one else came forward to speak to the issue.

Mr. Miller thanked Mr. Beadles for his contributions at Board of Supervisors meetings.

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board transferred \$5,000 from the Dale District Improvement Fund to the Parks and Recreation Department to purchase a storage shed for athletic equipment at the Hening Elementary School Sports Complex.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

10. REPORTS

10.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

10.C. REPORTS OF PLANNING COMMISSION SUBSTANTIAL ACCORD DETERMINATION

10.C.1. FOR CHESTERFIELD COUNTY PARKS AND RECREATION: ETTRICK PARK; HELEN WILLIAMS ESTATE PROPERTY (CASE 06PD0229)

10.C.2. FOR CHESTERFIELD COUNTY SCHOOL BOARD: BERMUDA ELEMENTARY AND BERMUDA MIDDLE SCHOOLS (CASE 06PD0218)

10.C.3. FOR CHESTERFIELD COUNTY SCHOOL BOARD: HARPERS MILL ELEMENTARY SCHOOL (CASE 06PD0219)

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board accepted the following reports: a Report on Developer Water and Sewer Contracts; a Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; and Reports of the Planning Commission Substantial Accord Determination for 1) Chesterfield County Parks and Recreation: Ettrick Park; Helen Williams Estate Property (Case 06PD0229), 2) Chesterfield County School Board: Bermuda Elementary and Bermuda Middle Schools (Case 06PD0218), and 3) Chesterfield County School Board: Harpers Mill Elementary School (Case 06PD0219).

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

11. DINNER

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

Reconvening:

Mr. King recognized Mr. Pete Stith, Deputy County Administrator, who is watching the meeting at home and wished him a speedy recovery.

12. INVOCATION

Reverend Martha Jenkins, Vicar, Saint Matthew's Episcopal Church, gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Mr. Russell Harris led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

O RECOGNIZING FEBRUARY 2006, AS "CHILDREN'S DENTAL HEALTH MONTH" IN CHESTERFIELD COUNTY

Mr. Kappel introduced Dr. Samuel Galstan and Ms. JoAnne Wells, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Fourth Annual "Give Kids a Smile! Access to Dental Care Day" will be conducted in a number of Chesterfield County dental offices and schools on February 3, 2006; and

WHEREAS, numerous children's dental health outreach activities and education will take place in Chesterfield County Schools throughout February 2006; and

WHEREAS, through the joint efforts of the Southside Dental Society; the Virginia Department of Health, Division of Dentistry; the Medical College of Virginia School of Dentistry; the Alliance of the Southside Dental Society; local dentists and dental healthcare providers who volunteer their time, and the school district of Chesterfield County, this program was established to foster the improvement of children's dental health; and

WHEREAS, these dental volunteers have provided educational materials and programs and stress the importance of regular dental examinations; daily brushing and flossing;

proper nutrition; sealants and the use of mouth guards during athletic activities; and

WHEREAS, several local dental offices volunteered their services on "Give Kids a Smile! Access to Dental Care Day," to provide treatment and education to local underprivileged children.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 25th day of January 2006, publicly recognizes February 3, 2006 as "Give Kids a Smile! Access to Dental Care Day" and February 2006, as "National Children's Dental Health Month" in Chesterfield County, and expresses gratitude, on behalf of all Chesterfield County residents, and commends those organizations responsible for their proactive approach to dental health and also commends Dr. Samuel W. Galstan, Dr. C. Sharone Ward, Dr. Frank Farrington and JoAnne Wells, R.D.H., for helping to protect our children's dental health.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

Mrs. Humphrey presented executed resolutions to Dr. Galstan and Ms. Wells, and expressed appreciation for their efforts in promoting children's dental health.

Dr. Galstan expressed appreciation to the Board and Chesterfield County Schools for their continued support.

**15. REQUESTS FOR MANUFACTURED HOME PERMITS AND REZONING
PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE
FOLLOWING ORDER: - WITHDRAWALS/DEFERRALS - CASES WHERE
THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO
OPPOSITION - CASES WHERE THE APPLICANT DOES NOT ACCEPT
THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION
WILL BE HEARD AT SECTION 17**

06SN0110

In Midlothian Magisterial District, JDC TRADD INC. requests rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for low density residential use of 1.01 to 2.5 units per acre. This request lies on 22.8 acres fronting approximately 1,200 feet on the north line of the Norfolk Southern Railroad, west of Winterfield Road. Tax IDs 724-710-7957 and 725-710-3079 and 4141 (Sheet 5).

Mr. Turner stated Case 06SN0110 was double advertised for consideration by both the Planning Commission and Board of Supervisors this month. He further stated the Planning Commission deferred the case to its February meeting; therefore, the Board must also defer the case.

On motion of Mr. Barber, seconded by Mr. King, the Board deferred Case 06SN0110 until February 22, 2006.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0111

In Midlothian Magisterial District, JDC TRADD INC. requests rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for low density residential use of 1.01 to 2.5 units per acre. This request lies on 2.2 acres known as 1400 Winterfield Road. Tax ID 725-710-6268 (Sheet 5).

Mr. Turner stated Case 06SN0111 was double advertised for consideration by both the Planning Commission and Board of Supervisors this month. He further stated the Planning Commission deferred the case to its February meeting; therefore, the Board must also defer the case.

On motion of Mr. Barber, seconded by Mr. Miller, the Board deferred Case 06SN0111 until February 22, 2006.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0120

In Dale Magisterial District, CP COURTHOUSE LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for light industrial and regional mixed uses. This request lies on 116.0 acres fronting in two (2) places for a total of approximately 650 feet on the east line of Courthouse Road fronting approximately 1,970 feet on the west line of Newbys Bridge Road and approximately 320 feet on the south line of Burnett Drive. Tax IDs 754-676-4609 and 755-677-2504 (Sheets 16 and 17).

Mr. Turner stated Mr. Miller is requesting a deferral until March 8, 2006.

Mr. John Cogbill, representing the applicant, agreed to a deferral until March 8, 2006.

Mr. King called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Miller, seconded by Mr. Warren, the Board deferred Case 06SN0120 until March 8, 2006.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0191 (Amended)

In Midlothian and Matoaca Magisterial Districts, THE CHESTERFIELD COUNTY BOARD OF SUPERVISORS proposes rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to General Industrial (I-2) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center and neighborhood mixed use uses. This request lies on 786.4 acres fronting the north line of Midlothian Turnpike between Route 288 and Huguenot Springs Road; on the south line of Midlothian Turnpike between Route 288 and Old Hundred Road; and fronting the west line of Huguenot Springs Road, approximately 2,800 feet north of Midlothian Turnpike. Tax IDs 710-708-3025, 5217 and 9532; 712-709-9100; 712-710-2733, 8193 and 9557; 712-711-1562 and 2690; 712-712-2923; 713-708-4574; 713-712-Part of 8031; 714-707-6311 and 9182; 714-712-9323; 715-705-2469; 715-706-5039; 715-710-0250 and 8459; 715-711-0444 and 4043; 715-712-3508; 716-710-0846, 1325, 1707 and 2342; 716-713-Part of 5414; 717-708-Part of 2972; 717-711-0537 and 0707; 718-705-6022; 718-706-3636; 719-703-5024; 720-703-7536; and 720-704-Part of 3574 (Sheet 5).

Mr. Turner stated Case 06SN0191 was double advertised for consideration by both the Planning Commission and Board of Supervisors this month. He further stated the Planning Commission deferred the case to its February meeting; therefore, the Board must also defer the case.

On motion of Mr. Barber, seconded by Mr. Warren, the Board deferred Case 06SN0191 until February 22, 2006.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

05SN0185 (Amended)

In Midlothian Magisterial District, COMMERCIAL LAND DEVELOPMENT requests rezoning and amendment of zoning district map from Agricultural (A) to General Industrial (I-2) with Conditional Use to permit commercial uses and Conditional Use Planned Development to allow exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial/flex uses. This request lies on 36.4 acres fronting approximately 1,100 feet on the south line of Midlothian Turnpike, also fronting in two (2) places for a total of approximately 730 feet on the west line of Otterdale Road and located in the southwest quadrant of the intersection of these roads. Tax IDs 720-709-6011; 721-708-2383; and 721-709-2704 and 3240 (Sheet 5).

Mr. Turner presented a summary of Case 05SN0185 and stated the Planning Commission and staff recommended approval subject to one condition and acceptance of the proffered conditions. He further stated, since the Commission's consideration of the request, Proffered Condition 11 has been amended, and the Board must suspend its rules to consider the amended proffer.

Mr. Barber stated there have been some recent developments with this case, and the applicant has asked for a deferral until February 22, 2006.

Mr. Jim Theobald, representing the applicant, stated there was a development this week that has caused the applicant to request a 30-day deferral.

Mr. William Shewmake, representing one of the property owners, stated he has recently been hired by one of the owners of the subject property, and he concurs with Mr. Barber's deferral request.

Mr. Barber clarified that he actually made the request for the deferral as opposed to the applicant.

Mr. King called for public comment.

Mr. George Beadles suggested that the Board consider deferring the request an additional 30 days, since February 22 is less than 30 days from now and the Board has already deferred other requests until that date.

There being no one else to speak to the deferral, the public hearing was closed.

On motion of Mr. Barber, seconded by Mr. Warren, the Board deferred Case 05SN0185 until February 22, 2006.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0126

In Bermuda Magisterial District, R. C. WHEELER CONSTRUCTION CO. requests rezoning and amendment of zoning district map from Residential (R-7) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial use. This request lies in a Residential (R-7) District on 2.4 acres fronting approximately 180 feet on the south line of Egee Drive fronting approximately 450 feet on the east line of Quail Oaks Avenue and approximately 270 feet on the north line of Woodfin Drive. Tax IDs 793-667-8863, 9667 and 9743; and 794-677-1049 (Sheet 18).

Mr. Turner presented a summary of Case 06SN0126 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Dave Barthol, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 06SN0126 and accepted the following proffered conditions:

1. The developer shall be responsible for retaining/detaining stormwater onsite such that the existing culvert under Woodfin Drive meets current VDOT criteria. (EE)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0139

In Midlothian Magisterial District, OMNIPOINT COMMUNICATIONS requests amendment to Conditional Use Planned Development (Case 99SN0191) and amendment of zoning district map relative to communications towers. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for public/semi-public use. This request lies in a Residential (R-15) District on 3.7 acres and is known as 10525 West Huguenot Road. Tax IDs 746-718-3583, 4367, 4486, 5470, 5588, 6571, 6590, 7591 and 7672 (Sheet 2).

Mr. Turner presented a summary of Case 06SN0139 and stated the Planning Commission and staff recommended approval subject to one condition.

Mr. Nate Holland, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved Case 06SN0139 subject to the following condition:

The communications antennae shall be architecturally incorporated into the steeple of the church building generally in accordance with the plan entitled "Omnipoint Communications CAP Operations, LLC" and dated 11/16/05. Associated equipment shall also be enclosed within the existing church building. (P)

(Notes: a. This condition would require that the communications antennas be architecturally incorporated into the design of a building for a permitted use. In addition, this condition

would require that all equipment associated with the communications antenna be housed within the existing church building.

- b. This condition supersedes Condition 1 of Case 99SN0191. All other conditions of approval for Case 99SN0191 remain in effect.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0140

In Bermuda Magisterial District, ELLMER PROPERTIES CHESTERFIELD II LLC requests rezoning and amendment of zoning district map from General Industrial (I-2) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 7.0 acres fronting approximately 770 feet on the east line of Interstate 95 approximately 1,600 feet south of the Walthall Interchange. Tax ID 805-636-0948 (Sheet 35).

Mr. Turner presented a summary of Case 06SN0140 and stated the Planning Commission and staff recommended approval and acceptance of the proffered condition.

Mr. Jeff Collins, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

Mr. King made a motion, seconded by Mr. Miller, for the Board to approve Case 06SN0140 and accept the proffered condition.

In response to Mrs. Humphrey's question, Mr. King stated the proposed development will not access Interstate 95.

Mr. King called for a vote on his motion, seconded by Mr. Miller, for the Board to approve Case 06SN0140 and accept the following proffered condition:

The public water and wastewater systems shall be used. (P)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0142

In Dale Magisterial District, CNS MICROWAVE, INC. requests a Conditional Use Planned Development and amendment of zoning district map to permit a communications tower in a General Industrial (I-2) District plus exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general industrial use. This request lies on 0.3 acre and is

known as 2939 Space Road. Tax ID 785-691-Part of 8072 (Sheet 12).

Mr. Turner presented a summary of Case 06SN0142 and stated the Planning Commission and staff recommended approval subject to conditions.

Mr. Bob Lawrence, representing the applicant, stated the recommendation is acceptable.

In response to Mr. Miller's question, Mr. Lawrence stated the proposed tower will replace the existing tower.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. Miller, seconded by Mr. Warren, the Board approved Case 06SN0142, subject to the following conditions:

1. The color and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. If lighted, lighting during daylight hours shall be limited to medium intensity strobe lights with upward reflection and lighting during night time hours shall be limited to soft blinking lights. (P)
2. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)
3. With approval of this request, an eighty-two (82) foot exception and a seventy-six (76) foot exception to the 170 foot setback requirements from the northern and western property lines respectively shall be granted (P).
4. The base of the tower shall be enclosed by a minimum six (6) foot high fence designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground mounted equipment or structures from adjacent properties. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. (P)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0147

In Bermuda Magisterial District, TOKEN TOWER, LLC requests amendment to Conditional Use Planned Development (Case 02SN0166) and amendment of zoning district map relative to the height of a communications tower. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general industrial use. This request lies in an Agricultural (A) District on 12.5 acres lying off the eastern terminus of Station Road. Tax ID 792-685-5662 (Sheet 12).

Mr. Turner presented a summary of Case 06SN0147 and stated the Planning Commission and staff recommended approval and acceptance of the proffered condition.

Mr. John Cogbill, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Miller, the Board approved Case 06SN0147 and accepted the following proffered condition:

The property owner (the "Owner") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 792-685-5662 (the "Property") under consideration will be developed according to the following conditions if, and only if, the request for CUPD amendment is granted. In the event the request is denied or approved with conditions not agreed to by the Owner, the proffers and conditions shall immediately be null and void and have no further force or effect.

With the approval of this CUPD, one tower may be constructed on the Property, which tower shall not exceed a height of 630 feet above ground level. (P)

(Staff Note: This condition supersedes Condition 1 of Case 02SN0166. All other conditions of Case 02SN0166 remain in effect.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SR0149

In Matoaca Magisterial District, F. CRAIG WATERS requests renewal of Conditional Use (Case 03AN0137) and amendment of zoning district map to permit an electrical contractor's business incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation use. This request lies in an Agricultural (A) District on 2.3 acres and

is known as 11200 Winterpock Road. Tax ID 720-654-3173 (Sheet 23).

Mr. Turner presented a summary of Case 06SR0149 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Craig Waters stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

In response to Board members questions, Mr. Turner stated there is no recommended time limit for the Conditional Use renewal.

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board approved Case 06SR0149 and accepted the following proffered conditions:

1. This Conditional Use shall be granted to and for F. Craig Waters and Sonya Waters, exclusively, and shall not be transferable or run with the land. (P)
2. This Conditional Use shall be limited to the operation of an electrical contractor's business, exclusively. A maximum of seven (7) employees, other than those persons outlined in Proffered Condition 1 may be engaged in this operation. (P)
3. This use shall not operate before 7:00 A.M. and after 4:30 P.M., Monday through Friday nor on Saturday or Sunday. (P)
4. There shall be no deliveries to or from the site via tractor-trailer carriers. Any deliveries shall be made between the hours of 8:00 A.M. and 6:00 P.M., Monday through Friday. There shall be no Saturday or Sunday deliveries. (P)
5. There shall be no outside public address system. (P)
6. One (1) sign, not to exceed one (1) square foot in area, shall be permitted to identify this use. Such sign shall not be illuminated. (P)
7. Within sixty (60) days of approval of this request, forty-five (45) feet of right of way on the west side of Winterpock Road measured from the centerline of the road immediately adjacent to the property, shall be dedicated, free and unrestricted to and for the benefit of Chesterfield County. (T)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

04SN0303

In Matoaca Magisterial District, FAIRWEATHER INVESTMENTS, LLC AND HIGHLANDS WEST, LLC request Conditional Use and amendment of zoning district map to permit a public waste treatment

facility on 30 acres of a 1,430 acre parcel. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies in a Residential (R-88) District fronting approximately 11,600 feet on the east line of Nash Road across from Reedy Branch Road, also fronting in three (3) places for approximately 7,050 feet on the west line of Cattail Road across from Reedy Branch and Rowlett Roads. Tax ID 759-636-Part of 6377 (Sheets 33 and 40).

Ms. Darla Orr presented a summary of Case 04SN0303 and stated staff recommended denial for the reasons presented at the Board's November 22, 2005 public hearing. She further stated the Planning Commission, on a 3-2 vote, recommended approval and acceptance of the proffered conditions.

Mr. John Cogbill, representing the applicant, stated the proposed waste treatment system offers an opportunity for the county to demonstrate leadership for the region. He further stated the proposal is not about growth, but about growing in a better way. He stated the property is already zoned R-88 to permit up to 715 single family dwellings, and the waste treatment system will provide an alternative to individual septic systems for the homes. He further stated the facility would be regulated by the State Corporation Commission and the Department of Environmental Quality, as well as by the county. He requested that the Board exercise progressive thinking regarding the proposed facility. He stated restrictive covenants would address staff's concerns that the proffered conditions fail to guarantee, nor could they reasonably guarantee, that the county will not ultimately become responsible for the operation and maintenance of the facility. He further stated if the operator of the facility becomes insolvent, the State Corporation Commission is responsible for finding a receiver to assume the operation of the system. He stated the Southern and Western Area Plan does not require the use of nor limit development to private septic systems as indicated by staff, since the county has acknowledged that public waste facilities are acceptable by finding that Matoaca High School, which operates on a private wastewater system, is in substantial accord with the county's Comprehensive Plan. He further stated the Health Department recommends approval of the facility, indicating that, over time, failure of multiple individual systems would have a significant impact on Second Branch Creek and Lake Margaret. He stated the applicant has been working with the likely owner of the proposed facility, Aqua America, which is the largest United States based, publicly traded water utility, serving more than 2 million customers in 13 states. He provided details of a failing system in Lake Monticello that was taken over by Aqua America. He stated the county should consider guidelines for public wastewater treatment facilities not owned and operated by the county. He further stated the applicant has provided a thorough analysis of standards; worked with staff for over a year on the proposal; and is providing a more environmentally friendly waste treatment system. He stated the proposed facility will not be owned and operated by a homeowners association; is consistent with the Southern and Western Area Plan; will meet DEQ requirements; and will be regulated by the SCC. He further stated the facility represents new technology and is the next

level of environmentally friendly development. He stated customers expect innovation from their local government and requested that the Board approve the proposed facility.

Mr. George Emerson, one of the owners and developers of the project, provided details of the zoning history of the subject property. He stated the applicant has worked with county staff to address their concerns, indicating that the Health Department now supports the proposed facility. He further stated the applicant has addressed concerns of neighbors by moving the facility back to the middle of the property away from Cattail and Nash roads. He stated the applicant has the support of The Highlands Homeowners Association and the majority of the adjoining homeowners. He stated he does not understand how the facility could increase growth because the Board will be required to follow the county's Comprehensive Plan, and the issue of land use will fall on the Board. He further stated the facility would ultimately ease the burden on constituents and technology is available to support it, and inquired how the Board could not support it.

Mr. Brian Houston, representing Timmons Group, provided details of the technical aspects of the proposed facility. He presented a comparison between septic systems and a central wastewater plant, noting that the Health Department's concerns have been addressed. He addressed Environmental Engineering's concerns, indicating that a system "upset" would more likely occur with industrial flows than with the proposed domestic facility, and a "bypass" would be extremely unlikely. He stated DEQ has indicated the system would have basically no impact on Second Branch Creek and Lake Margaret. He noted runoff from more than 12,000 acres currently enters Second Branch Creek.

In response to Mrs. Humphrey's question, Mr. Houston stated the liquid component of the effluent will be discharged into Second Branch Creek. He further stated the normal operation of the facility is not going to generate much noise, and the majority of the 30 acres will be used for a buffer between the facility and other uses. He noted the normal buffer required by DEQ is only 300 feet. He addressed concerns relative to malfunctions, indicating that automatic back-ups are required based on DEQ requirements.

Mr. King called for public comment.

Mr. Jeff Collins, President of Townes Site Engineering and a resident of The Highlands, stated he has been designing alternative wastewater systems for years, and the proposed system is one of the best you can have for treating wastewater. He further stated the technology is available to make this a good, functional facility, and the operator of the system would address any problems that might occur. He stated he believes it would be wise for the Board to make a positive decision and approve the request. He further stated, if the Board is not comfortable with approving the request, then they should challenge staff to create conditions that would make them comfortable enough to approve it. He stated the facility is not a land use issue and will not spur growth in the area; rather it is one of the best ways to take care of wastewater.

Mr. Rich Carroll, a resident of Cattail Road, stated he supports the proposal because he believes a regulated, inspected facility such as this will be much better for the environment than 700-plus individual septic tanks.

Mr. George Beadles stated facilities such as this will occur in the county sooner or later because it is another method to dispose of wastewater when septic tanks fail. He further stated the private sector will do a good job in operating the facility, and he believes the Board should approve the request.

Mr. Phil Roper, a landowner at Lake Margaret, stated he supports the request, indicating that he would like to build a quality "condo" project around the lake.

Ms. Andrea Epps stated she does not support the request. She expressed concerns that Olympia, Washington had to place a moratorium on wastewater facilities such as this because of uncontrolled growth that was occurring as a result. She further stated there are thousands of acres of land that could potentially connect to the proposed facility. She requested that the Board not use the southern and western area of the county as a test case for this type of facility.

Ms. Carrie Coyner, a resident of the Bermuda District, requested that the Board approve the facility and, at a minimum, require staff to provide rules and regulations regarding wastewater treatment facilities in the county. She stated private wastewater facilities should be categorized with septic systems because they can both be used when you want development in an area where you cannot get public facilities, indicating that this is why the county should adopt regulations to limit the use of the systems to those that are found most appropriate. She further stated septic tanks are not growth management tools and are going to become things of the past. She stated the Board has the approval power in zoning cases and will not lose its ability to demand public utility hook-up by allowing private wastewater facilities.

Mr. Oliver "Skitch" Rudy stated he supports the proposed facility. He further stated the septic tank ordinance adopted 20 years ago has served the county well up until now. He stated private wastewater facilities represent another scientific means of treating wastewater. He requested that the Board support the project and not let science and technology pass us by.

Mr. Bill Hastings, a resident of the Matoaca District, stated he does not support the proposed facility because it is not in compliance with the Plan, and approval would set a precedent for similar facilities. He further stated one of the keys to the future economic health of the county is to implement a rezoning strategy that favors new commercial development, and if this case moves forward and the precedent is set for building private wastewater facilities all over the Matoaca District, it will further disrupt the commercial/residential tax base. He requested that the Board deny the request and allow homes on the subject property with lower density using septic fields as was done in the very successful Highlands development.

Ms. Kitty Snow stated she is puzzled about the Board's concerns about growth management and requested that those same concerns be afforded to the Upper Swift Creek area.

Mr. Peter Martin, a resident of Mount Hermon Road, commended the Board for taking a stand on growth management with this case and expressed concerns that the Board did not consider growth management before approving the Balsamo case in Moseley.

Ms. Brenda Stewart stated this case is not about sprawl or growth because the same number of houses could be built with or without the proposed facility. She further stated denial of the request will be using government fiat to suppress private business opportunities and to deny property owners from taking advantage of advances in technology to be able to develop their property and get some return on years of ownership costs associated with the property.

Ms. Marleen Durfee, Executive Director of the Task Force for Responsible Growth, noted that at no time did staff address any concerns for growth management when the request for rezoning of 1,430 acres involving 715 homes was approved in November 2004, and staff advised the Board that the potential for a wastewater treatment plant was forthcoming. She stated wastewater treatment facilities do not dictate potential growth patterns; rather, the Comprehensive Plan determines the amount of growth and the county's density requirements. She further stated, if the facility is approved, the county has the authority to establish specific guidelines and have specific ordinances, as well as analyze zoning on a case-by-case basis, which ultimately gives the Board an opportunity to manage its growth. She suggested that, rather than denying the request, the Board consider remanding it to the Planning Commission and allowing them to reevaluate the information and analyze what regulations and guidelines could be placed in the current or revised Southern and Western Area Plan relating to this type of facility.

Mr. John Cogbill clarified that the facility would encompass no more than 8 acres. He stated the technology represents a tremendous opportunity to implement real growth management. He further stated he believes the developer will set high standards for such facilities and provide the Board the ability to regulate them more carefully in the future.

In response to Mr. Warren's question, Mr. Cogbill stated he believes the reason there was very little opposition present when the zoning of the property was approved and very little opposition tonight is because of the quality of the developer and consultants and the fact that numerous community meetings were held to educate the residents on both the original zoning request as well as this request.

Mr. Barber expressed concerns that the developer could return to the Board with a proposal for reduced lot sizes in an effort to provide the opportunity for cluster development rather than two-acre lots such as those in The Highlands.

Mr. Cogbill stated the applicant believes reducing lot sizes to one acre would provide older residents of The Highlands an opportunity to stay in the area and take advantage of their

lifestyle and amenities without having to maintain a two-acre lot.

Mr. Barber inquired why both the wastewater treatment plant and reduction in lot size are not presented as one zoning request, stating it is frustrating to deal with rezoning of the same property over and over again until the applicant ultimately gets where he wanted to be.

Mr. Cogbill stated cash proffers may change and other situations arise that lead developers to make requests for changes in zoning. He further stated the Board is the final arbiter in determining whether zoning requests are appropriate.

There being no one else to speak to the request, the public hearing was closed.

Mr. Barber stated approval of the request has nothing to do with Mr. Emerson's development abilities. He inquired why a developer would invest \$5 to \$6 million up front if he could already develop 715 homes on the property without any further zoning approvals. He stated a developer typically does not reach the ultimate number of lots proposed once the infrastructure is in place, but if the Board were to approve the proposed facility, the ultimate number of lots would be achievable because the applicant could come back and request smaller lot sizes. He further stated not approving the facility represents growth management because the county would never provide sewer utilities in this area consistent with the Comprehensive Plan. He expressed concerns relative to setting a precedent by approving the request and ending up with higher densities in future developments.

In response to Mr. Barber's questions, Dr. Nelson stated the amount of effluent that would enter streams using septic tanks cannot be measured. He further stated the Health Department's support of the facility was a result of the number of Highlands residents with pre-treatment sewage systems. He expressed concerns relative to maintenance of individual systems in the future if a large number of them were to evolve, indicating that it would be much easier for the Health Department to deal with one central system rather than 700 to 1200 individual systems.

Mr. Miller inquired whether the rate of septic tank failures has decreased since the Board adopted higher standards and requirements for pumping.

Dr. Nelson stated he has seen more failures in newer septic systems because of maintenance, mechanical or installation errors. He further stated the septic system ordinance has served the county well until this time, and health departments are now trying to determine how to control new on-site systems at the back yard level.

In response to Mr. Warren's questions, Dr. Nelson stated the only septic tank failures reported in The Highlands were a result of installation errors, not because of age.

In response to Mr. Barber's questions, Ms. Orr stated the proffered conditions do not guarantee the location of the proposed facility. She noted 300-foot setbacks are proffered,

and the facility will be located at least 900 feet from Cattail and Nash roads. She stated staff does not know all of the potential users of the facility at this point because there is nothing in the case that guarantees that. She further stated the proffered conditions are worded so that properties to the north already zoned R-88, as well as other properties, could connect to the facility.

Mr. Warren referenced the Greensprings case and expressed concerns that the request before the Board at this time could change in another year. He stated there are too many unknown variables dealing with the proposed facility; therefore, he cannot support the case.

Mr. Miller stated when the septic tank standards were designed, the Planning Commission and Board were informed by engineers that the septic tank was the best-known device for handling wastewater. He further stated when residents' wells failed due to drought, the pressure fell on the county, not the developers, to provide public water. He stated if the facility only served the 715 homes in this project, then it might be worth the risk. He further stated there is no doubt in his mind that approval of the facility will spur growth and inquired what would keep several developers from proposing a facility such as this that would open up thousands of developable lots that may not otherwise be developed. He expressed concerns relative to the precedent that approval of the facility would set and stated he will not support the request.

Mr. King referenced the "Rural By Design" book referred to by Mr. Cogbill and inquired why staff would go against the author of the book and recommend denial of the proposed facility.

Mr. Turner stated the county is a suburban locality that has developed its Comprehensive Plan around its public utilities system. He further stated there are rural localities that cannot afford to provide a public utilities system because of their location or economic situation, and the only option to provide employment centers in rural villages is a central system with their own water tanks and wastewater treatment systems. He stated Chesterfield can provide for development without this type of system and does not need to incur that risk.

Mr. King stated there is no question that Mr. Emerson is a quality developer. He further stated the proposed facility will guarantee the developer a higher density; therefore, he views it as a growth management tool. He stated he will not support the request.

Mrs. Humphrey stated two things drive residential growth - the sale of real estate and the availability of public utilities. She further stated the Plan designates appropriate density for this area and expressed concerns that use of private wastewater treatment facilities will shift the Plan densities. She further stated use of facilities such as this need to be evaluated beyond this test case. She expressed concerns relative to the need to reevaluate the Southern and Western Area Plan, indicating that the issue of wastewater treatment facilities should be applied to the Plan. She stated the county should decide whether or not facilities

such as this will work for future residential growth. She further stated she wants to know the impact of these facilities across rural Chesterfield, indicating that she does not have enough technical information to make a decision at this time.

Mrs. Humphrey made a motion for the Board to deny Case 04SN0303. She stated she will prepare a letter requesting that the Planning Commission review the Southern and Western Area Plan and revise with guidelines, if they deem necessary, relative to private wastewater facilities.

Mr. Barber seconded Mrs. Humphrey's motion. He stated the Planning Commission has a work schedule for reviewing the various land use plans, and it may be a while before the Southern and Western Area Plan is reviewed. He requested that Mr. Ramsey provide the Board with a report regarding the use of private wastewater treatment facilities, their success rates, and the reasons for their use.

Mr. King noted he received three requests today from Matoaca District constituents to deny the request.

Mr. King then called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Barber, for the Board to deny Case 04SN0303.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

Mr. King requested a ten-minute recess.

Reconvening:

05SN0294

In Clover Hill Magisterial District, THE REBKEE COMPANY requests amendment to Conditional Use Planned Development (Case 74S021) and amendment of zoning district map to permit drive thru facilities for a permitted use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies in a Neighborhood Business (C-2) District on 2.5 acres and is known as 13620 Genito Road. Tax ID 729-688-4473 (Sheet 9).

Ms. Beverly Rogers presented a summary of Case 05SN0294, stating that the current C-2 zoning allows those uses that were permitted in the old B-1 District. She further stated the B-1 District did not allow uses with drive-in windows. She stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions, indicating that the drive-through facility would be accessory to uses which are currently permitted and the drive-through window should have no greater impact than the permitted uses. She further stated the applicant has submitted a proffered condition in accordance with the Board's procedures to address residents' concerns relative to additional landscaping adjacent to the cemetery site.

Mr. Jim Theobald, representing the applicant, stated a drug store is already permitted at the site and a drive-in window is needed to complement the facility and provide convenience for customers. He further stated the proposed facility will be subject to both emerging growth standards and the Brandermill Architectural Review Board process.

In response to Mr. Warren's question, Mr. Theobald stated the original plan of Brandermill allowed a drug store as well as a host of other uses on the subject property.

Mr. King called for public comment.

Ms. Andrea Epps provided the Board with a packet of information detailing the zoning history of the subject property and surrounding area. She stated, in her opinion, the proposed use is not permitted under the existing zoning. She expressed concerns relative to the danger of left-turn movements out of the proposed facility and stated Fox Chase Drive could not handle the additional traffic that would occur as a result of the proposed facility. She requested that the Board defer the request until the correct zoning of the property can be determined, indicating that the proposal will affect the safety and quality of life of area residents.

In response to Mr. Miller's question, Mr. Turner stated he has reviewed the zoning case and explained to Ms. Epps that he feels the pharmacy is a permitted use on the property. He further stated Ms. Epps has requested a written opinion from him. He stated he is confident that proper zoning exists for the proposed uses.

In response to Mr. Barber's question, Mr. Micas stated only aggrieved parties can file appeals to the Board of Zoning Appeals under state law. He further stated he does not know the facts surrounding Ms. Epps' situation to determine whether she would be considered an aggrieved party.

Mr. Turner stated the subject property was zoned B-1 with the original zoning for Brandermill. He further stated, when the B-1 District converted to C-2, the original zoning for Brandermill still applied. He stated, when the original Brandermill zoning was amended, the locations for an elementary school and an activity center were moved. He further stated the location that the activity center was ultimately moved to has been subsequently developed as a subdivision, so it no longer exists. He stated Ms. Epps contends that, because it no longer exists, the subject property has now become the activity center, indicating that it has not become the activity center and the uses identified in the Brandermill zoning are still permitted by right.

There being no one else to speak to the request, the public hearing was closed.

In response to Mr. Warren's question, Mr. Turner stated Ms. Epps did not express her concerns relative to whether the site is properly zoned for pharmacy use at the Planning Commission meeting.

Mr. Warren stated he will support staff's position regarding the current zoning based on the information provided by Mr. Turner.

Mr. Warren then made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 05SN0294 and accept the proffered conditions.

Mrs. Humphrey expressed concerns relative to traffic issues at the intersection where the pharmacy is proposed.

Mr. King called for a vote on the motion of Mr. Warren, seconded by Mrs. Humphrey, for the Board to approve Case 05SN0294 and accept the following proffered conditions:

1. Drive-in windows shall be permitted in conjunction with bank or drugstore/pharmacy use only. (P)

(STAFF NOTE: This Condition is in addition to the Textual Statement, Exhibit B, Section 2 (B-1 Districts) for the request property only.)

2. Landscaping shall be provided adjacent to the Tomahawk Baptist Church cemetery (for so long as the adjacent property is used as a cemetery) generally as shown on the "Buffer Plan" prepared by Kimley-Horn and Associates, Inc., dated January 6, 2006, a copy of which is attached and made a part hereof. Specifications for plantings may be modified as a part of site plan approval. (P)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

16. PUBLIC HEARINGS

16.A. TO CONSIDER THE EXERCISE OF EMINENT DOMAIN FOR THE ACQUISITION OF ADDITIONAL PROPERTY FOR THE CONSTRUCTION OF A WESTERN AREA (HULL STREET) POLICE PRECINCT STATION

Mr. Micas stated this date and time has been advertised for a public hearing for the Board to consider the exercise of eminent domain for the acquisition of additional property for the construction of a western area (Hull Street) police precinct station. He further stated the county needs this additional property, which is a part of the Owens Estate, to build the police station. He stated the Commissioner in Chancery of the estate has indicated they are willing to convey the property to the county, but because of the title situation, it can only be done if the Board first votes to condemn the property. He further stated \$15,000 is a very favorable price for the 1.1 acres, and this is the next step in acquiring enough property build the police station.

Mr. King called for public comment.

Ms. Brenda Stewart expressed concerns relative to the price the county offers to purchase the property of private landowners for public use, considering the price it is willing to pay developers for school sites. She stated the Chesterfield Observer reported in September 2005, that the

county owned land in the Cosby Road High School area that was not satisfactory for the location of a police precinct because of the amount of school traffic. She inquired why this particular location, which is also in the vicinity of the school, would not pose a traffic problem.

Mr. Ramsey stated the site referred to in the Observer was in front of the Cosby Road High School, and concerns were expressed relative to students and the Police Department using the same parking lot and driveway for access. He further stated the same access and parking lot will not be used for the subject property.

There being no one else to speak to the issue, the public hearing was closed.

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board approved the exercise of eminent domain for the acquisition of an additional 1.1-acre parcel adjacent to the county parcel, which is a part of The Washington Owens Estate, PIN: 716673143200000, for the future construction of a western area (Hull Street) police precinct station.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

**16.B. TO CONSIDER RECORDING OF DEED RESTRICTIONS TO THE
COUNTY SITE LOCATED AT 9501 GOVERNMENT CENTER PARKWAY**

Mr. Eanes stated this date and time has been advertised for a public hearing for the Board to consider the recording of deed restrictions to the county site located at 9501 Government Center Parkway. He provided details of contamination that was discovered on the subject property 25 years ago and actions that have taken since that time. He stated the Environmental Office launched a thorough investigation of the contamination issue and contacted the Department of Environmental Quality, who recommended that deed restrictions be placed on the property, including 1) groundwater beneath the site shall not be used for any purpose other than environmental monitoring and testing; 2) the site shall not be used for certain restricted conditions and facilities; and 3) excavations conducted within a certain sub-parcel of the site will not exceed five feet in depth from existing grade. He stated staff recommends approval of the deed restrictions.

Mr. King called for public comment.

Mr. George Beadles expressed concerns relative to the area encompassed by the upper aquifer on the subject property, indicating that someone a mile away could dig a well and reach contaminated water. He stated the agenda item did not provide details regarding the acreage on the subject property.

There being no one else to speak to the issue, the public hearing was closed.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved the recording of deed restrictions on the county's site located at 9501 Government Center Parkway, and

authorized the County Administrator to sign the deed restriction documents.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

17. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

There were no remaining mobile home permits or zoning requests at this time.

18. ADJOURNMENT

On motion of Mr. Miller, seconded by Mr. Barber, the Board adjourned at 11:02 p.m. until February 8, 2006 at 3:30 p.m.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

Lane B. Ramsey
County Administrator

R. M. "Dickie" King, Jr.
Chairman